

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 10-20705

v.

Judith E. Levy

United States District Judge

Ali Darwich,

Mag. Judge Elizabeth A. Stafford

Defendant.

_____/

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S
MOTION FOR RECONSIDERATION [909] AND MOTION TO
SUPPLEMENT EVIDENCE [910]**

Before the Court is *pro se* Defendant Ali Darwich's motion for reconsideration (ECF No. 909), and motion to supplement evidence in support of his motion for reconsideration. (ECF No. 910.)

Defendant filed six documents (ECF Nos. 886, 891, 893, 895, 903, 904) which, when "construed liberally, seek some form of compassionate release." (ECF No. 905, PageID.7806.) On September 7, 2023, the Court denied Defendant's motions for compassionate release. (ECF No. 905.) Defendant filed a notice of appeal of the September 7, 2023 order. (ECF No. 907.) Defendant subsequently filed a motion for reconsideration of

the September 7 order. (ECF No. 909.) On September 25, 2023, the case was reassigned from Judge Cleland to the undersigned. Defendant filed a motion to supplement evidence in support of the motion for reconsideration on September 29, 2023. (ECF No. 910.)

“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). *See also Adkins v. Jeffreys*, 327 F. App’x 537 (6th Cir. 2009). Defendant filed a notice of appeal and a motion for reconsideration for the same order. His filing of a notice of appeal deprives the District Court of jurisdiction to consider his motion for reconsideration while the appeal remains pending.

Accordingly, Defendant’s motion for reconsideration and motion to supplement evidence are DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: October 3, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 3, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager